

EXHIBIT L

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

<i>e</i>PLUS, INC.,)
)
Plaintiff,) Civil Action No. 3:09-CV-620 (REP)
)
v.)
)
LAWSON SOFTWARE, INC.,)
)
)
Defendant.)

**EXPERT REPORT OF BROOKS L. HILLIARD
RELATING TO PATENT VALIDITY**

documents: (1) PO WRITER Guided Tour Version 10.0 (© 1993) (L0126514-695)⁴, (2) PO WRITER Purchasing Module Manual, Software Revision 10.0 (April, 1993) (L0126501-513)⁵, (3) PO WRITER Inventory Control Manual, Software Revision 10.0 (April, 1993) (L0126155-395), (4) PO WRITER Requisition Interface Manual (undated and lacking version number information) (L0126965-80), (5) PO WRITER Requisitioning Manual (undated and lacking version number information) (L0127508-601); (6) Purchasing Tutorial (undated, lacking cover page and version number information and appears to be an excerpt of a larger document as it is only Chapter 2) (L0126718-964). Dr. Shamos presents no evidence that any of the PO WRITER manuals were publicly accessible, which I am informed and understand is required for documents relied upon as printed publications for purposes of invalidating claims of the patents-in-suit. To the contrary, the documents relied on by Dr. Shamos bear markings that suggest dissemination and reproduction of the documents was restricted.

96. Ms. Fielder candidly acknowledged that PurchasingNet sought to maintain details relating to the PO WRITER products' functionality as strictly confidential. For example, Ms. Fielder testified:

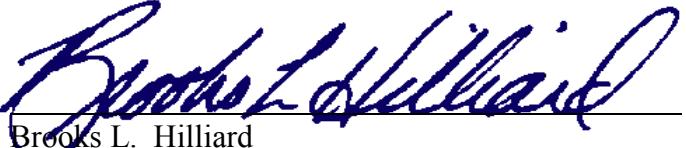
When the customer decided they wanted to buy, then we would send them a password sheet. They would key in the password and it would open up the files. If they didn't buy, then the agreement that we signed with them said they would return our software to us. And that was our standard business practice.

SAP Trial Tr. at 2061:15-2062:10 (Fielder Direct) (ePLUS 201492). *See also* SAP Trial Tr. at 2084:18-2085:6 (Fielder Direct) (ePLUS 201498) (*i.e.*, manuals were licensed for licensee's

⁴ Attached to this document are some loose unrelated documents that do not appear to be part of the Guided Tour document. (L0126696-701).

⁵ This document is supposed to include 5 chapters and Appendices A and B. *See* L0126502. However, it is incomplete and only includes Chapter 1.

Respectfully submitted,



Brooks L. Hilliard

Dated: June 9, 2010